

REMARKS/ARGUMENTS

This amendment is made in response to the Office Action dated April 4, 2008. Therein, the Examiner requested a Terminal Disclaimer with respect to U.S. Patent Nos. 5,895,406 and 5,162,243. This Terminal Disclaimer is filed herewith, and removes the double patenting rejection.

The specification was objected to by the Examiner in the most recent Office Action. The Examiner claimed that the insert after page 6, line 9 added new matter by saying that the waves described in the stent are curved without any straight sections. Now, with the amendment made to the specification wherein the specification is further modified so that the line now reads that at least some of the waves described in the current stent are curved without any straight sections, clear support is given.

This appears to be tacitly acknowledged by the Examiner. The Examiner claims that “at least Figure 7” shows certain “straight” sections in certain of the waves. Whether or not this is true, it is clear that from at least Figures 2 and 6, at least some of the waves in the current specification describe waves without any straight sections. Therefore, it is true that Figures 2 and 6 support the specification as currently presented; and that Figures 2 and 6 support claims 21 and 22, as currently presented.

Accordingly, there is no “new matter” objection, and Applicants respectfully submit that claims 21 and 22 are in condition for examination.

Finally, claims 21 and 22 were rejected under 35 USC §102, as purportedly anticipated by the Simon patent, U.S. Patent No. 5,354,308. The amendment to the claims now clearly obviates the rejection over Simon. It is clear that Simon describes as its “wave shaped” shape, a “wave” entirely made from straight sections. It is clear that the current specification and the claims now support a wave without any straight sections, as is abundantly explained in the current specification. These “bands” or “waves” now provide for better apposability to the anterior wall, particularly in a curved area of the artery. Thus, it is earnestly submitted that claims 21 and 22 are not anticipated by Simon. This was true before the claims were amended, and now is most certainly true after the

claims have been amended. As there is much more than adequate support in this specification, it is earnestly submitted that there are no further impediments to patentability and that the Examiner must allow claims 21 and 22.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/JJI0049USNP/PAC for any such fees.

Respectfully submitted,

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